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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,743	06/29/2001	David Israel	2013.0040000	3343

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EXAMINER
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HARPER, KEVIN C

ART UNIT	PAPER NUMBER
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2666

DATE MAILED: 02/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/893,743

Applicant(s)

ISRAEL ET AL.

Examiner

Kevin C. Harper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14 and 23 is/are allowed.
- 6) ☒ Claim(s) 15-19, 21, 22, 24 and 27-32 is/are rejected.
- 7) ☒ Claim(s) 20, 25 and 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12</u> . | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

Applicant's arguments, see Paper No. 11, filed November 21, 2003, with respect to the rejection of claim(s) 15-16 and 21-22 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made and the indicated allowability of claims 17-19 and 27-32 is withdrawn in view of the newly discovered reference(s) to Cruz et al. (US 2002/00758590), Murphy et al. (US 6,282,192) and Dutnall (US 6,584,098). Rejections based on the newly cited reference(s) follow.

***Drawings***

1. Corrected drawings were received on November 21, 2003. These drawings are approved.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 15-17, 19, 21-22 and 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cruz et al. (US 2002/00758590) in view of Murphy et al. (US 6,282,192).

2. Regarding claims 15-17, 19, 21-22 and 27-32, Cruz discloses a system (Figure 5) for switching audio provided on an egress audio channel (step 1170) over a network (para. 28, lines 1-4). The system comprises a first audio source (Figure 5, items 610-630), a second audio source (item 632-636) and a switch (item 590) coupled to the first and second audio sources, where the switch has an inherent network interface controller (step 1170; para. 22, lines 1-3). The first and second audio sources each generate an audio stream of egress packets for the egress

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audio channel (para. 19, lines 1-10), where each packet includes audio and inherent control header information. The switch delivers the first and second audio streams (para. 33, lines 1-12) to a network interface controller which controls the transmission of packets over the network (item 1190; para. 26, last eight lines). However, Cruz does not disclose a seamless switch over audio having synchronous packets or packets with synchronized information in the header. Murphey discloses a seamless switch over audio using audio packets having synchronized information (col. 6, lines 33-48) in order to avoid user-perceived distortion in the audio. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have seamless switch over audio using synchronized audio packets in the invention of Cruz.

3. Regarding claim 16, in Cruz an egress audio controller (Figure 5, item 540) sends a control signal to the second audio source to initiate the generation of the second audio stream (steps 1280-1290 and 1320-1330).

4. Regarding claim 17, all the limitations have been addressed in the rejection of claims 15-16, except the last paragraph of limitations concerning the egress audio controller. In Cruz, an audio controller (item 540) is coupled to the audio sources (items 610-630 and 632-636) and the switch (items 580-590). The egress audio controller sends a control signal to the first audio source to initiate the first audio stream of packets when a VOIP telephone call is established (Figure 5, steps 1170, 1190, 1200, 1210 and 1130; Figure 4, steps 1060-1100) and sends signaling to the switch and network interface controller as being associated with the egress audio output channel (para. 23, lines 1-3; para. 25, lines 4-8).

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Claims 18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cruz et al. (US 2002/00758590) in view of Murphy et al. (US 6,282,192) and Dutnall (US 6,584,098).

5. Regarding claims 18 and 24, all the limitations have been addressed in the rejection of claims 15-16 except that the audio sources provide or have priority information. Cruz in view of Murphey does not disclose priority information. Dutnall discloses priority information in a VOIP packet (col. 3, lines 23-37; Figure 12) used for improving network data flow of real-time packets. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have priority information in packets of Cruz in view of Murphey. (note: the media server of claim 24 is the switch represented by Figure 5, item 590 and the destination device is item 540).

#### ***Allowable Subject Matter***

6. Claims 1-14 and 23 are allowed.

7. Claims 20 and 25-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Choi (US 2003/0053429) discloses a soft handoff using VOIP (paras. 2 and 46).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 703-305-0139. The examiner can normally be reached weekdays, except Wednesday, from 9:30 AM to 8:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 703-308-5463. The centralized fax number for the Patent Office is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service Office for TC 2600 at 703-306-0377.

Kevin C. Harper



February 6, 2004

*Seema S. Rao*  
**SEEMA S. RAO** 2/9/04  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**